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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,650	04/05/2000	JEAN-LUC PHILIPPE BETTIOL	CM1817	7080

27752 7590 05/15/2002

THE PROCTER & GAMBLE COMPANY
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EXAMINER

ELHILO, EISA B

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 11

Application Number: 09/485,650
Filing Date: April 05, 2000
Appellant(s): BETTIOL ET AL.

MAILED
MAY 15 2002
GROUP 1700

C. Brant Cook, Esq.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 06, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the

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pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1 and 12-31 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

95/35362

Cuperus et al.

12-1995

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 and 12-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghosh et al. (US' 5,858,948) in combination with Cuperus et al. (WO' 95/35362). This rejection is set forth in prior Office Action, Paper No. 6.

The primary reference of Ghosh (US' 948) teaches a laundry liquid detergent composition that comprises at least about 0.001% by weight of a protease enzyme, at least about 0.01% by weight of a water-soluble or dispersible, modified polyamine cotton soil release agent comprising a polyamine backbone corresponding to a formula that similar to the claimed formula (see col. 3, lines 55-67, col. 4, lines 1-67 and col. 5, lines 1-17), polyethyleneimines (see col. 29, line 9), non ionic surfactants such as the C₁₂-C₁₈ alkyl ethoxylates and C₁₂-C₁₈ N-methylglucamide (see col. 33, lines 60-67 and col. 34, line 20), builders such as layered silicates (see col. 44, line 24) and known polymeric soil release agents suitable for use in the detergent composition such as SRA's polymer (see col. 18, lines 50-55). Ghosh also teaches a method for providing soil release from cotton fabric said method comprising contacting cotton fabric in need of cleaning with an amount effective to clean said fabric of liquid laundry composition (see col. 71 and 72, claims 16 and 17).

Ghosh fails to teach a laundry liquid detergent composition that comprises mannanase enzyme. However, Ghosh teaches that deterative enzymes having a cleaning stain removing or otherwise beneficial effect in a laundry, hard surface cleaning or personal care detergent

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composition can be used or incorporated in the laundry detergent composition. Preferred deterative enzymes are proteases, amylases, cellulases, lipases and peroxidases (see col. 40, lines 11-17).

Cuperus (WO' 362) in analogous art teaches detergent compositions for dish washing, household or domestic, cleaners, pre-wash and/or other textile, fabric and cloth cleaning (see page 11, lines 32-37). The laundry detergent composition comprises enzymes such as amylases and proteases (see page 11, lines 26-30). Further, Cuperus teaches that mannanases enzyme provide for improved washing results in laundry washing and pre-spot experiments (see page 32, lines 5-37, table 12 and page 33, line 1-2).

Therefore, in view of the teaching of the secondary reference, one having ordinary skill in the art would be motivated to modify the primary reference by incorporating the mannanase enzyme that disclosed by Cuperus to make such a composition. Such modification would be obvious because one would expect that the use of mannanase enzyme that provide for improved washing results in laundry washing as taught by Cuperus would be useful and applicable to the laundry detergent composition of Ghost.

(11) Response to Argument

The examiner has reviewed Appellants arguments and respectfully disagrees with counsel's allegations. Specifically, Appellants argue that the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. 103 of any of the claimed subject matter over Ghosh in combination with Cuperus.

The examiner position is such that the arguments are not found persuasive because of the following reasons.

In establishing a prima facie case of obviousness, three criteria must be met. See *in re Vaeck*, 947 F2d. 488, 20 USPQ 2d 1438 (Fed. Cir. 1991). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (see MPEP 2143).

In this case the three criteria have been met, because the two references are in the same analogous art in cleaning composition. Ghosh (US' 948) teaches a laundry liquid detergent composition that comprises detergent enzymes such as proteases, amylases and cellulases (see col. 40, lines 11-17) and Cuperus (WO' 362) teaches in analogous art cleaning composition that comprises detergent enzymes such as mannanases, proteases and amylases (see page 11, lines 26-30 and page 32, lines 5-37, table 12 and page 33, lines 1-2). Therefore, Cuperus (WO' 362) clearly teaches that the protease enzymes can be used with mannanase enzyme in the laundry cleaning compositions and thus a person of ordinary skill in the art would be motivated to incorporate mannanase enzyme with protease enzymes. Also it would have been obvious to combine the references because, Ghosh (US' 948) discloses that other detergent enzymes having a cleaning, stain removing or otherwise beneficial effect in a laundry, hard surface cleaning or personal care detergent composition can be used or incorporated in the laundry detergent composition and Cuperus (WO' 362) teaches cleaning compositions comprising a mixture of different enzymes (see page 11, lines 1-11).

Cuperus (WO' 362) teaches experimentally that mannanase enzymes provide for improved washing results when used in automatic dishwashing and laundry washing (see page

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31, lines 35-37, page 32, lines 1-10, table 12, lines 36-37 and page 33, lines 1-2). Therefore, there is a reasonable expectation of success by combining the protease enzymes of Ghosh (US' 948) with the mannanase enzymes of Cuperus (WO' 362) in order to improve the laundry washing results. The present claims having the term "comprising" or "comprises", neither of which excludes other components. MPEP 2111.03.

The combined prior art references teach and suggest all the claim limitations as mentioned above under grounds of rejections.

Accordingly, the Office maintains that the examiner has met the Vaecck criteria to establish the prima face showing of obviousness. Viewed as a whole, the invention as claimed would have been obvious to one of ordinary skill in the art at the time of the invention.

Finally, the examiner request that this Board when viewing the evidence as a whole, and lacking any secondary indicia of nonobviousness, affirm the decision of the examiner in whole.

For the above reasons, it is believed that the rejection should be sustained.

Respectfully submitted,

Eisa Elhilo *Eisa Elhilo*
May 14, 2002

Conferees
Dr. Yogendra Gupta (SPE 1751) *Yogendra Gupta*
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